



General Assembly

Amendment

January Session, 2021

LCO No. 7431



Offered by:

SEN. SOMERS, 18th Dist.

SEN. SAMPSON, 16th Dist.

To: Subst. House Bill No. **6423**

File No. 431

Cal. No. 320

(As Amended)

"AN ACT CONCERNING IMMUNIZATIONS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 10-204a of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2021*):

5 (a) [Each] Except as provided in subsection (d) of this section, each
6 local or regional board of education, or similar body governing a
7 nonpublic school or schools, shall require each child to be protected by
8 adequate immunization against diphtheria, pertussis, tetanus,
9 poliomyelitis, measles, mumps, rubella, [hemophilus] haemophilus
10 influenzae type B and any other vaccine required by the schedule for
11 active immunization adopted pursuant to section 19a-7f before being
12 permitted to enroll in any program operated by a public or nonpublic
13 school under its jurisdiction. Before being permitted to enter seventh

14 grade, a child shall receive a second immunization against measles. Any
15 such child who (1) presents a certificate from a physician, physician
16 assistant, advanced practice registered nurse or local health agency
17 stating that initial immunizations have been given to such child and
18 additional immunizations are in process under guidelines and
19 schedules specified by the Commissioner of Public Health; or (2)
20 presents a certificate from a physician, physician assistant or advanced
21 practice registered nurse stating that in the opinion of such physician,
22 physician assistant or advanced practice registered nurse such
23 immunization is medically contraindicated because of the physical
24 condition of such child; or (3) presents a statement from the parents or
25 guardian of such child that such immunization would be contrary to the
26 religious beliefs of such child or the parents or guardian of such child,
27 which statement shall be acknowledged, in accordance with the
28 provisions of sections 1-32, 1-34 and 1-35, by (A) a judge of a court of
29 record or a family support magistrate, (B) a clerk or deputy clerk of a
30 court having a seal, (C) a town clerk, (D) a notary public, (E) a justice of
31 the peace, (F) an attorney admitted to the bar of this state, or (G)
32 notwithstanding any provision of chapter 6, a school nurse; or (4) in the
33 case of measles, mumps or rubella, presents a certificate from a
34 physician, physician assistant or advanced practice registered nurse or
35 from the director of health in such child's present or previous town of
36 residence, stating that the child has had a confirmed case of such
37 disease; or (5) in the case of [hemophilus] haemophilus influenzae type
38 B has passed his fifth birthday; or (6) in the case of pertussis, has passed
39 his sixth birthday, shall be exempt from the appropriate provisions of
40 this section. If the parents or guardians of any child are unable to pay
41 for such immunizations, the expense of such immunizations shall, on
42 the recommendations of such board of education, be paid by the town.
43 Before being permitted to enter seventh grade, the parents or guardian
44 of any child who is exempt on religious grounds from the immunization
45 requirements of this section, pursuant to subdivision (3) of this
46 subsection, shall present to such school a statement that such
47 immunization requirements are contrary to the religious beliefs of such
48 child or the parents or guardian of such child, which statement shall be

49 acknowledged, in accordance with the provisions of sections 1-32, 1-34
50 and 1-35, by (A) a judge of a court of record or a family support
51 magistrate, (B) a clerk or deputy clerk of a court having a seal, (C) a town
52 clerk, (D) a notary public, (E) a justice of the peace, (F) an attorney
53 admitted to the bar of this state, or (G) notwithstanding any provision
54 of chapter 6, a school nurse.

55 (b) The definitions of adequate immunization shall reflect the
56 schedule for active immunization adopted pursuant to section 19a-7f
57 and be established by regulation adopted in accordance with the
58 provisions of chapter 54 by the Commissioner of Public Health, who
59 shall also be responsible for providing procedures under which said
60 boards and said similar governing bodies shall collect and report
61 immunization data on each child to the Department of Public Health for
62 compilation and analysis by said department.

63 (c) The Commissioner of Public Health may issue a temporary waiver
64 to the schedule for active immunization for any vaccine if the National
65 Centers for Disease Control and Prevention recognizes a nation-wide
66 shortage of supply for such vaccine.

67 (d) On and after January 1, 2022, no local or regional board of
68 education, or similar body governing a nonpublic school or schools,
69 shall require each child to be protected by adequate immunization
70 against diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps,
71 rubella, haemophilus influenzae type B or any other vaccine required
72 by the schedule for active immunization adopted pursuant to section
73 19a-7f before being permitted to enroll in any program operated by a
74 public or nonpublic school under its jurisdiction unless statistics
75 concerning the rates of vaccination-related injuries incurred by children
76 are published by the Commissioner of Public Health pursuant to section
77 4 of this act.

78 Sec. 2. Section 19a-79 of the general statutes is repealed and the
79 following is substituted in lieu thereof (*Effective July 1, 2021*):

80 (a) The Commissioner of Early Childhood shall adopt regulations, in

81 accordance with the provisions of chapter 54, to carry out the purposes
82 of sections 19a-77 to 19a-80, inclusive, and 19a-82 to 19a-87, inclusive,
83 and to assure that child care centers and group child care homes meet
84 the health, educational and social needs of children utilizing such child
85 care centers and group child care homes. Such regulations shall (1)
86 specify that before being permitted to attend any child care center or
87 group child care home, each child shall be protected as age-appropriate
88 by adequate immunization against diphtheria, pertussis, tetanus,
89 poliomyelitis, measles, mumps, rubella, [hemophilus] haemophilus
90 influenzae type B and any other vaccine required by the schedule of
91 active immunization adopted pursuant to section 19a-7f, including
92 appropriate exemptions for children for whom such immunization is
93 medically contraindicated and for children whose parent or guardian
94 objects to such immunization on religious grounds, and that any
95 objection by a parent or a guardian to immunization of a child on
96 religious grounds shall be accompanied by a statement from such parent
97 or guardian that such immunization would be contrary to the religious
98 beliefs of such child or the parent or guardian of such child, which
99 statement shall be acknowledged, in accordance with the provisions of
100 sections 1-32, 1-34 and 1-35, by (A) a judge of a court of record or a family
101 support magistrate, (B) a clerk or deputy clerk of a court having a seal,
102 (C) a town clerk, (D) a notary public, (E) a justice of the peace, or (F) an
103 attorney admitted to the bar of this state, (2) specify conditions under
104 which child care center directors and teachers and group child care
105 home providers may administer tests to monitor glucose levels in a child
106 with diagnosed diabetes mellitus, and administer medicinal
107 preparations, including controlled drugs specified in the regulations by
108 the commissioner, to a child receiving child care services at such child
109 care center or group child care home pursuant to the written order of a
110 physician licensed to practice medicine or a dentist licensed to practice
111 dental medicine in this or another state, or an advanced practice
112 registered nurse licensed to prescribe in accordance with section 20-94a,
113 or a physician assistant licensed to prescribe in accordance with section
114 20-12d, and the written authorization of a parent or guardian of such
115 child, (3) specify that an operator of a child care center or group child

116 care home, licensed before January 1, 1986, or an operator who receives
117 a license after January 1, 1986, for a facility licensed prior to January 1,
118 1986, shall provide a minimum of thirty square feet per child of total
119 indoor usable space, free of furniture except that needed for the
120 children's purposes, exclusive of toilet rooms, bathrooms, coatrooms,
121 kitchens, halls, isolation room or other rooms used for purposes other
122 than the activities of the children, (4) specify that a child care center or
123 group child care home licensed after January 1, 1986, shall provide
124 thirty-five square feet per child of total indoor usable space, (5) establish
125 appropriate child care center staffing requirements for employees
126 certified in cardiopulmonary resuscitation by the American Red Cross,
127 the American Heart Association, the National Safety Council, American
128 Safety and Health Institute, Medic First Aid International, Inc. or an
129 organization using guidelines for cardiopulmonary resuscitation and
130 emergency cardiovascular care published by the American Heart
131 Association and International Liaison Committee on Resuscitation, (6)
132 specify that on and after January 1, 2003, a child care center or group
133 child care home (A) shall not deny services to a child on the basis of a
134 child's known or suspected allergy or because a child has a prescription
135 for an automatic prefilled cartridge injector or similar automatic
136 injectable equipment used to treat an allergic reaction, or for injectable
137 equipment used to administer glucagon, (B) shall, not later than three
138 weeks after such child's enrollment in such a center or home, have staff
139 trained in the use of such equipment on-site during all hours when such
140 a child is on-site, (C) shall require such child's parent or guardian to
141 provide the injector or injectable equipment and a copy of the
142 prescription for such medication and injector or injectable equipment
143 upon enrollment of such child, and (D) shall require a parent or
144 guardian enrolling such a child to replace such medication and
145 equipment prior to its expiration date, (7) specify that on and after
146 January 1, 2005, a child care center or group child care home (A) shall
147 not deny services to a child on the basis of a child's diagnosis of asthma
148 or because a child has a prescription for an inhalant medication to treat
149 asthma, and (B) shall, not later than three weeks after such child's
150 enrollment in such a center or home, have staff trained in the

151 administration of such medication on-site during all hours when such a
152 child is on-site, and (8) establish physical plant requirements for
153 licensed child care centers and licensed group child care homes that
154 exclusively serve school-age children. When establishing such
155 requirements, the Office of Early Childhood shall give consideration to
156 child care centers and group child care homes that are located in private
157 or public school buildings. With respect to this subdivision only, the
158 commissioner shall implement policies and procedures necessary to
159 implement the physical plant requirements established pursuant to this
160 subdivision while in the process of adopting such policies and
161 procedures in regulation form. Until replaced by policies and
162 procedures implemented pursuant to this subdivision, any physical
163 plant requirement specified in the office's regulations that is generally
164 applicable to child care centers and group child care homes shall
165 continue to be applicable to such centers and homes that exclusively
166 serve school-age children. The commissioner shall print notice of the
167 intent to adopt regulations pursuant to this subdivision on the
168 eRegulations System not later than twenty days after the date of
169 implementation of such policies and procedures. Policies and
170 procedures implemented pursuant to this subdivision shall be valid
171 until the time final regulations are adopted.

172 (b) The commissioner may adopt regulations, pursuant to chapter 54,
173 to establish civil penalties of not more than one hundred dollars per day
174 for each day of violation and other disciplinary remedies that may be
175 imposed, following a contested-case hearing, upon the holder of a
176 license issued under section 19a-80 to operate a child care center or
177 group child care home or upon the holder of a license issued under
178 section 19a-87b, as amended by this act, to operate a family child care
179 home.

180 (c) The commissioner shall exempt Montessori schools accredited by
181 the American Montessori Society or the Association Montessori
182 Internationale from any provision in regulations adopted pursuant to
183 subsection (a) of this section which sets requirements on group size or
184 child to staff ratios or the provision of cots.

185 (d) Upon the declaration by the Governor of a civil preparedness
186 emergency pursuant to section 28-9 or a public health emergency
187 pursuant to section 19a-131a, the commissioner may waive the
188 provisions of any regulation adopted pursuant to this section if the
189 commissioner determines that such waiver would not endanger the life,
190 safety or health of any child. The commissioner shall prescribe the
191 duration of such waiver, provided such waiver shall not extend beyond
192 the duration of the declared emergency. The commissioner shall
193 establish the criteria by which a waiver request shall be made and the
194 conditions for which a waiver will be granted or denied. The provisions
195 of section 19a-84 shall not apply to a denial of a waiver request under
196 this subsection.

197 (e) Any child care center or group child care home may provide child
198 care services to homeless children and youths, as defined in 42 USC
199 11434a, as amended from time to time, for a period not to exceed ninety
200 days without complying with any provision in regulations adopted
201 pursuant to this section relating to immunization and physical
202 examination requirements. Any child care center or group child care
203 home that provides child care services to homeless children and youths
204 at such center or home under this subsection shall maintain a record on
205 file of all homeless children and youths who have attended such center
206 or home for a period of two years after such homeless children or youths
207 are no longer receiving child care services at such center or home.

208 (f) Any child care center or group child care home may provide child
209 care services to a foster child for a period not to exceed forty-five days
210 without complying with any provision in regulations adopted pursuant
211 to this section relating to immunization and physical examination
212 requirements. Any child care center or group child care home that
213 provides child care services to a foster child at such center or home
214 under this subsection shall maintain a record on file of such foster child
215 for a period of two years after such foster child is no longer receiving
216 child care services at such center or home. For purposes of this
217 subsection, "foster child" means a child who is in the care and custody
218 of the Commissioner of Children and Families and placed in a foster

219 home licensed pursuant to section 17a-114, foster home approved by a
220 child-placing agency licensed pursuant to section 17a-149, facility
221 licensed pursuant to section 17a-145 or with a relative or fictive kin
222 caregiver pursuant to section 17a-114.

223 (g) Notwithstanding the provisions of subdivision (1) of subsection
224 (a) of this section, on and after January 1, 2022, no child care center or
225 group child care home shall require, as a condition of attendance at such
226 child care center or group child care home, that each child shall be
227 protected as age-appropriate by adequate immunization against
228 diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella,
229 haemophilus influenzae type B or any other vaccine required by the
230 schedule of active immunization adopted pursuant to section 19a-7f,
231 unless statistics concerning the rates of vaccination-related injuries
232 incurred by children are published by the Commissioner of Public
233 Health pursuant to section 4 of this act.

234 Sec. 3. Section 19a-87b of the general statutes is repealed and the
235 following is substituted in lieu thereof (*Effective July 1, 2021*):

236 (a) No person, group of persons, association, organization,
237 corporation, institution or agency, public or private, shall maintain a
238 family child care home, as defined in section 19a-77, without a license
239 issued by the Commissioner of Early Childhood. Licensure forms shall
240 be obtained from the Office of Early Childhood. Applications for
241 licensure shall be made to the commissioner on forms provided by the
242 office and shall contain the information required by regulations adopted
243 under this section. The licensure and application forms shall contain a
244 notice that false statements made therein are punishable in accordance
245 with section 53a-157b. Applicants shall state, in writing, that they are in
246 compliance with the regulations adopted by the commissioner pursuant
247 to subsection (f) of this section. Before a family child care home license
248 is granted, the office shall make an inquiry and investigation which shall
249 include a visit and inspection of the premises for which the license is
250 requested. Any inspection conducted by the office shall include an
251 inspection for evident sources of lead poisoning. The office shall provide

252 for a chemical analysis of any paint chips found on such premises.
253 Neither the commissioner nor the commissioner's designee shall require
254 an annual inspection for homes seeking license renewal or for licensed
255 homes, except that the commissioner or the commissioner's designee
256 shall make an unannounced visit, inspection or investigation of each
257 licensed family child care home at least once every year. A licensed
258 family child care home shall not be subject to any conditions on the
259 operation of such home by local officials, other than those imposed by
260 the office pursuant to this subsection, if the home complies with all local
261 codes and ordinances applicable to single and multifamily dwellings.

262 (b) No person shall act as an assistant or substitute staff member to a
263 person or entity maintaining a family child care home, as defined in
264 section 19a-77, without an approval issued by the commissioner. Any
265 person seeking to act as an assistant or substitute staff member in a
266 family child care home shall submit an application for such approval to
267 the office. Applications for approval shall: (1) Be made to the
268 commissioner on forms provided by the office, (2) contain the
269 information required by regulations adopted under this section, and (3)
270 be accompanied by a fee of fifteen dollars. The approval application
271 forms shall contain a notice that false statements made in such form are
272 punishable in accordance with section 53a-157b.

273 (c) The commissioner, within available appropriations, shall require
274 each initial applicant or prospective employee of a family child care
275 home in a position requiring the provision of care to a child, including
276 an assistant or substitute staff member and each household member
277 who is sixteen years of age or older, to submit to comprehensive
278 background checks, including state and national criminal history
279 records checks. The criminal history records checks required pursuant
280 to this subsection shall be conducted in accordance with section 29-17a.
281 The commissioner shall also request a check of the state child abuse
282 registry established pursuant to section 17a-101k. The commissioner
283 shall notify each licensee of the provisions of this subsection. For
284 purposes of this subsection, "household member" means any person,
285 other than the person who is licensed to conduct, operate or maintain a

286 family child care home, who resides in the family child care home, such
287 as the licensee's spouse or children, tenants and any other occupant.

288 (d) An application for initial licensure pursuant to this section shall
289 be accompanied by a fee of forty dollars and such license shall be issued
290 for a term of four years. An application for renewal of a license issued
291 pursuant to this section shall be accompanied by a fee of forty dollars
292 and a certification from the licensee that any child enrolled in the family
293 child care home has received age-appropriate immunizations in
294 accordance with regulations adopted pursuant to subsection (f) of this
295 section. A license issued pursuant to this section shall be renewed for a
296 term of four years. In the case of an applicant submitting an application
297 for renewal of a license that has expired, and who has ceased operations
298 of a family child care home due to such expired license, the
299 commissioner may renew such expired license within thirty days of the
300 date of such expiration upon receipt of an application for renewal that
301 is accompanied by such fee and such certification.

302 (e) An application for initial staff approval or renewal of staff
303 approval shall be accompanied by a fee of fifteen dollars. Such
304 approvals shall be issued or renewed for a term of two years.

305 (f) The commissioner shall adopt regulations, in accordance with the
306 provisions of chapter 54, to assure that family child care homes, as
307 defined in section 19a-77, meet the health, educational and social needs
308 of children utilizing such homes. Such regulations shall ensure that the
309 family child care home is treated as a residence, and not an institutional
310 facility. Such regulations shall specify that each child be protected as
311 age-appropriate by adequate immunization against diphtheria,
312 pertussis, tetanus, poliomyelitis, measles, mumps, rubella,
313 [hemophilus] haemophilus influenzae type B and any other vaccine
314 required by the schedule of active immunization adopted pursuant to
315 section 19a-7f. Such regulations shall provide appropriate exemptions
316 for children for whom such immunization is medically contraindicated
317 and for children whose parents or guardian objects to such
318 immunization on religious grounds and require that any such objection

319 be accompanied by a statement from such parents or guardian that such
320 immunization would be contrary to the religious beliefs of such child or
321 the parents or guardian of such child, which statement shall be
322 acknowledged, in accordance with the provisions of sections 1-32, 1-34
323 and 1-35, by (1) a judge of a court of record or a family support
324 magistrate, (2) a clerk or deputy clerk of a court having a seal, (3) a town
325 clerk, (4) a notary public, (5) a justice of the peace, or (6) an attorney
326 admitted to the bar of this state. Such regulations shall also specify
327 conditions under which family child care home providers may
328 administer tests to monitor glucose levels in a child with diagnosed
329 diabetes mellitus, and administer medicinal preparations, including
330 controlled drugs specified in the regulations by the commissioner, to a
331 child receiving child care services at a family child care home pursuant
332 to a written order of a physician licensed to practice medicine in this or
333 another state, an advanced practice registered nurse licensed to
334 prescribe in accordance with section 20-94a or a physician assistant
335 licensed to prescribe in accordance with section 20-12d, and the written
336 authorization of a parent or guardian of such child. Such regulations
337 shall specify appropriate standards for extended care and intermittent
338 short-term overnight care. The commissioner shall inform each licensee,
339 by way of a plain language summary provided not later than sixty days
340 after the regulation's effective date, of any new or changed regulations
341 adopted under this subsection with which a licensee must comply.

342 (g) Upon the declaration by the Governor of a civil preparedness
343 emergency pursuant to section 28-9 or a public health emergency
344 pursuant to section 19a-131a, the commissioner may waive the
345 provisions of any regulation adopted pursuant to this section if the
346 commissioner determines that such waiver would not endanger the life,
347 safety or health of any child. The commissioner shall prescribe the
348 duration of such waiver, provided such waiver shall not extend beyond
349 the duration of the declared emergency. The commissioner shall
350 establish the criteria by which a waiver request shall be made and the
351 conditions for which a waiver will be granted or denied. The provisions
352 of section 19a-84 shall not apply to a denial of a waiver request under

353 this subsection.

354 (h) Any family child care home may provide child care services to
355 homeless children and youths, as defined in 42 USC 11434a, as amended
356 from time to time, for a period not to exceed ninety days without
357 complying with any provision in regulations adopted pursuant to this
358 section relating to immunization and physical examination
359 requirements. Any family child care home that provides child care
360 services to homeless children and youths at such home under this
361 subsection shall maintain a record on file of all homeless children and
362 youths who have attended such home for a period of two years after
363 such homeless children or youths are no longer receiving child care
364 services at such home.

365 (i) Any family child care home may provide child care services to a
366 foster child for a period not to exceed forty-five days without complying
367 with any provision in regulations adopted pursuant to this section
368 relating to immunization and physical examination requirements. Any
369 family child care home that provides child care services to a foster child
370 at such home under this subsection shall maintain a record on file of
371 such foster child for a period of two years after such foster child is no
372 longer receiving child care services at such home. For purposes of this
373 subsection, "foster child" means a child who is in the care and custody
374 of the Commissioner of Children and Families and placed in a foster
375 home licensed pursuant to section 17a-114, foster home approved by a
376 child-placing agency licensed pursuant to section 17a-149, facility
377 licensed pursuant to section 17a-145 or with a relative or fictive kin
378 caregiver pursuant to section 17a-114.

379 (j) Notwithstanding the provisions of subsection (f) of this section, on
380 and after January 1, 2022, no family child care home shall require, as a
381 condition of attendance at such family child care home, that each child
382 shall be protected as age-appropriate by adequate immunization against
383 diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella,
384 haemophilus influenzae type B or any other vaccine required by the
385 schedule of active immunization adopted pursuant to section 19a-7f,

386 unless statistics concerning the rates of vaccination-related injuries
 387 incurred by children are published by the Commissioner of Public
 388 Health pursuant to section 4 of this act.

389 Sec. 4. (NEW) (*Effective July 1, 2021*) Not later than December 31, 2021,
 390 and annually thereafter, the Commissioner of Public Health shall
 391 publish on the Internet web site of the Department of Public Health
 392 statistics concerning the rates of vaccination-related injuries incurred by
 393 children to whom any vaccine required by the schedule of active
 394 immunization adopted pursuant to section 19a-7f of the general statutes
 395 is administered individually or in combination with one or more other
 396 vaccine required pursuant to said section.

397 Sec. 5. (NEW) (*Effective July 1, 2021*) Notwithstanding any provision
 398 of the general statutes, any health care provider, as defined in section
 399 19a-7h of the general statutes, administering a vaccine to an individual
 400 under the age of eighteen shall, prior to the administration of such
 401 vaccine, provide such individual's parent or guardian with (1) a copy of
 402 the side effect profile of such vaccine, (2) information regarding
 403 potential adverse reactions to such vaccine, (3) an opportunity to review
 404 such side effect profile and information regarding potential adverse
 405 reactions. Such health care provider shall obtain an acknowledgment
 406 from such individual's parent or guardian that he or she received a side
 407 effect profile and information regarding potential adverse reactions as
 408 required by this section."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2021</i>	10-204a
Sec. 2	<i>July 1, 2021</i>	19a-79
Sec. 3	<i>July 1, 2021</i>	19a-87b
Sec. 4	<i>July 1, 2021</i>	New section
Sec. 5	<i>July 1, 2021</i>	New section